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TAGS: [PREL](#) [KDEM](#) [PGOV](#) [ECON](#) [KE](#)
SUBJECT: KENYA: PM ODINGA UPDATES A/S CARSON; CONCERNED
ABOUT PNU APPROACH ON CONSTITUTION

Classified By: AF/E James Knight for reasons 1.4 (B) and (D)

¶1. (C) Prime Minister Odinga, in the United States May 19-24 to visit Chicago and Buffalo, called A/S Carson with an update on developments in Kenya and expressed particular concern that President Kibaki's PNU group had come out in favor of a piecemeal approach to constitutional reform. He said comprehensive constitutional reform was essential or Kenya would simply be back to square one; the ODM remained committed to a constitution based on the 2004 Bomas draft. Odinga indicated there were only three chapters out of 22 in the Bomas draft that were in any way controversial and ODM was ready to discuss and negotiate on those points (note: he did not elaborate on the three chapters). A/S Carson concurred with the need for a comprehensive approach to constitutional reform. In response to a query from A/S Carson about Justice Minister Kilonzo's position on the constitution, Odinga said the Minister tends to stand on the fence on most issues, and wryly noted he could eloquently express several positions on any issue.

¶2. (C) A/S Carson asked PM Odinga if he thought the time was ripe for Kofi Annan to return to Kenya to re-engage more directly on the power sharing accord and associated reforms. Odinga, indicating he had not been fully frank on this question when asked during their recent meeting in Nairobi, said that he thought renewed deep engagement by Kofi Annan would be helpful. He lamented the fact that governance issues were taking away from the government's ability to address pressing economic challenges.

¶3. (C) In the course of the conversation, PM Odinga also touched on the Police Reform Commission, for which he held some hope although he noted it fell under the President's docket and would need to be given full authority to do its work. He was pleased that there would be a non-Kenyan vice-chair of the Commission and that Kofi Annan's team was helping to identify someone for the position. Odinga was less sanguine on judicial reform where he saw an ongoing tug-of-war; the President is calling primarily for more personnel while he believes widespread structural changes are needed, including in the way judges are appointed and confirmed.

CLINTON